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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA
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6 GEORGE A. TOLIVER,

7 Plaintiff,

8 vs.

9 LAS VEGAS METROPOLITAN POLICE
10 OFFICERS, et al.,

11 Defendants.

Case No. 2:17-cv-02612-MMD-CWH

ORDER

12 Presently before the court is Plaintiff George A. Toliver's application to proceed *in forma*
13 *pauperis* (ECF No. 1), filed on October 6, 2017. Also before the court is Plaintiff George A.
14 Toliver's application to proceed *in forma pauperis* (ECF No. 3), filed on November 2, 2017. Given
15 that Plaintiff filed two applications to proceed *in forma pauperis*, the court will consider the most
16 recent application and will deny the first application as moot.

17 In his most recent application to proceed *in forma pauperis*, Plaintiff states that his take-
18 home pay or wages are \$0.00. (IFP Application (ECF No. 3) at 1.) However, he also states that he
19 pays \$400.00 per month in rent. (*Id.* at 2.) Plaintiff did not complete question three, which
20 requests information regarding income from other sources besides take-home pay or wages.
21 (*Id.* at 1.)

22 Based on the information provided regarding Plaintiff's income and expenses, it is unclear
23 how Plaintiff is able to pay rent in the amount of \$400.00 if his take-home pay or wages are \$0.00,
24 and Plaintiff did not provide the court with information about other income that may explain this
25 discrepancy. The court therefore is unable to evaluate whether Plaintiff is unable to pay the filing
26 fee in this case and will deny Plaintiff's application to proceed *in forma pauperis* without prejudice.
27 If Plaintiff is unable to pay the filing fee, Plaintiff must complete a revised application to proceed *in*
28 *forma pauperis* under 28 U.S.C. § 1915(a)(1) and Local Special Rule ("LSR") 1-1. The court

1 will retain Plaintiff's complaint (ECF No. 1-1), but will not file it until the matter of the payment of
2 the filing fee is resolved.

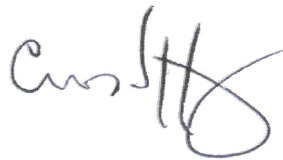
3 IT IS THEREFORE ORDERED that Plaintiff George A. Toliver's application to proceed *in*
4 *forma pauperis* (ECF No. 1) is DENIED as moot.

5 IT IS FURTHER ORDERED THAT Plaintiff George A. Toliver's application to proceed *in*
6 *forma pauperis* (ECF No. 3) is DENIED without prejudice.

7 IT IS FURTHER ORDERED the Clerk of the Court must send Plaintiff the approved form
8 application to proceed *in forma pauperis*, as well as the accompanying instructions.

9 IT IS FURTHER ORDERED that by December 18, 2017, Plaintiff must either: (1) file a
10 complete application to proceed *in forma pauperis* in compliance with 28 U.S.C. § 1915(a)(1) and
11 LRS 1-1; or (2) pay the full \$400 fee for a civil action, which includes the \$350 filing fee and the
12 \$50 administrative fee. Plaintiff is advised that failure to comply with this order will result in a
13 recommendation that his case be dismissed.

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15 DATED: November 16, 2017



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18 **C.W. Hoffman, Jr.**
19 **United States Magistrate Judge**
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